

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	File No. EB-08-TC-2918
)	
Allendale Telephone Company d/b/a Allendale)	NAL/Acct. No. 200932170208
Communications Company)	
)	FRN: 0002773315
Apparent Liability for Forfeiture)	

ORDER

Adopted: August 31, 2009**Released: August 31, 2009**

By the Acting Chief, Enforcement Bureau:

1. In this Order, we cancel a proposed forfeiture in the amount of twenty thousand dollars (\$20,000) issued to Allendale Telephone Company d/b/a Allendale Communications Company ("Allendale"). On February 24, 2009, the Bureau issued to Allendale a *Notice of Apparent Liability for Forfeiture* ("Omnibus NAL")¹ based on Allendale's apparent violation of section 222 of the Communications Act of 1934, as amended,² section 64.2009(e) of the Commission's rules,³ and the Commission's *EPIC CPNI Order*⁴ by failing to timely file an annual compliance certification with the Bureau.

2. Upon review of the record, and based on additional information provided by Allendale, we agree with Allendale that it had timely filed its annual CPNI certification for calendar year 2007. Accordingly, we find that Allendale did not violate section 222 of the Act,⁵ section 64.2009(e) of the Commission's rules,⁶ or the Commission's *EPIC CPNI Order*. Consequently, we conclude that no forfeiture should be imposed.

3. **ACCORDINGLY, IT IS ORDERED** that, pursuant to section 503(b) of the Communications Act of 1934, as amended ("Act"), and sections 0.111, 0.311 and 1.80(f) (4) of the Commission's rules, that the proposed forfeiture in the amount of twenty thousand dollars (\$20,000)

¹ *Annual CPNI Certification*, Omnibus Notice of Apparent Liability for Forfeiture, 24 FCC Rcd 2299 (Enf. Bur. Feb. 24, 2009) ("Omnibus NAL").

² 47 U.S.C. § 222.

³ 47 C.F.R. § 64.2009(e).

⁴ *Implementation of the Telecommunications Act of 1996: Telecommunications Carriers' Use of Customer Proprietary Network Information and Other Customer Information; IP-Enabled Services*, CC Docket No. 96-115; WC Docket No. 04-36, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 6927, 6953 (2007) ("EPIC CPNI Order"); *aff'd sub nom. Nat'l Cable & Telecom. Assoc. v. FCC*, No. 07-132, (D.C. Cir. decided Feb. 13, 2009).

⁵ 47 U.S.C. § 222.

⁶ 47 C.F.R. § 64.2009(e).

issued to Allendale Telephone Company d/b/a Allendale Communications Company in the February 24, 2009 *Omnibus Notice of Apparent Liability for Forfeiture* **IS CANCELLED**.

4. **IT IS FURTHER ORDERED** that a copy of this Order shall be sent by First Class Mail and Certified Mail Return Receipt Requested to Allendale, to its attorney of record, attn: Harvey J. Messing, Miller, Canfield, Paddock, and Stone, PLC, One Michigan Ave., Suite 900, Lansing, MI 48933.

FEDERAL COMMUNICATIONS COMMISSION

Suzanne M. Tetreault
Acting Chief, Enforcement Bureau